

SDMS# 31349

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 9

AR0032

In the Matter of :

Halford's Cleaners
941 McHenry Avenue
Modesto, California 95350

Halford's Cleaners,
Steven Lyon,
Susan Lyon,
Russell Tonda,
Diane Tonda,
Shantilal Jamnadas,

Respondents

EPA ADMINISTRATIVE
ORDER 90-19

Proceeding under Section 106 of the
Comprehensive Environmental Response,
Compensation and Liability Act of 1980,
as amended by the Superfund Amendments
and Reauthorization Act of 1986,
(42 U.S.C. Section 9606).

I. Jurisdiction

This Order is issued to Halford's Cleaners, Steven Lyon, Susan Lyon, Russell Tonda, Diane Tonda, and Shantilal Jamnadas, ("Respondents") pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. 9601, et seq., (CERCLA), by authority delegated to the Administrator of the United States Environmental Protection Agency ("EPA"), and redelegated to the EPA Regions.

The Director of the Hazardous Waste Management Division, EPA Region 9, has determined that there may be an imminent and substantial endangerment to the public health or welfare or the en-

1 vironment because of the release or threatened release of
2 hazardous substances from Halford's Cleaners, 941 McHenry Avenue,
3 Modesto, Stanislaus County, California (the "Site").

4 II. Findings of Fact

5 BACKGROUND

6 A. Halford's Cleaners, which began operation in the late
7 1940's, occupies approximately one acre and lies within a commer-
8 cial and residential area. Halford's Cleaners is located ap-
9 proximately 2000 feet south east of one of the water supply wells
10 for the City of Modesto. This well is referred to as Well #11.
11 The depth to groundwater in the Site area is approximately 67
12 feet.

13 B. In 1955, Adam Hart took over the operation of Halford's
14 Cleaners from the Halford family. In 1970, Shantilal Jamnadas
15 became the operator of Halford's Cleaners and is presently the
16 current operator. In 1973, Russell Tonda, Diane Tonda, Steven
17 Lyon, and Sue Lyon purchased Halford's Cleaners from Mrs. Hal-
18 ford. Russell and Diane Tonda and Steven and Sue Lyon are the
19 current owners of Halford's Cleaners.

20 C. Halford's Cleaners currently uses and has used since the
21 business began several industrial solvents, including but not
22 limited to, tetrachloroethylene (PCE), in its dry cleaning opera-
23 tion. PCE is widely employed in the dry cleaning industry.

24 D. In September of 1984, the City of Modesto began a
25 groundwater monitoring program. Laboratory analytical results
26 generated from the initial sampling event at Well #11 revealed
27 the presence of elevated levels of PCE. The City of Modesto dis-
28 continued the use of Well #11 due to the PCE contamination. In

1 April of 1985, an assessment was performed by the Stanislaus
2 County Department of Environmental Resources (SCDER) to isolate
3 the source of the PCE contamination. Groundwater samples col-
4 lected within a well located 100 feet down-gradient from
5 Halford's Cleaners contained 84.6 parts per billion (ppb) PCE.
6 The maximum contaminant level (MCL) promulgated by EPA for PCE is
7 5 ppb.

8 E. In 1985, SCDER conducted soil sampling within the
9 Halford's Cleaners Site. This sampling event revealed the
10 presence of PCE in concentrations as high as 176,000 ppb.

11 F. Halford's Cleaners is a probable source contributing to
12 the groundwater contamination problem in the Modesto area. The
13 regional groundwater contamination problem is presently being ad-
14 dressed by the Modesto Municipal Well #11 Superfund Site which
15 was included on the National Priority List (NPL) on March 31,
16 1989. The removal action, pursuant to this order, is consistent
17 with the long term remediation envisioned for this NPL listing.

18 G. In December of 1989, after PCE was again detected within
19 Modesto Municipal Well #11, the EPA Emergency Response Section
20 (ERS) began investigating the extent of PCE contamination releas-
21 ing from Halford's Cleaners. The purpose of the investigation
22 was to determine if any immediate action could be performed to
23 prevent the additional influx of PCE into the subsurface. ERS
24 conducted a soil gas survey during late December of 1989. ERS
25 collected nineteen soil-vapor samples from soil adjacent to, and
26 in the vicinity of Halford's Cleaners. The soil-vapor results
27 indicated the presence of PCE contamination in the soil, ranging
28 up to 6065 parts per million volume (ppmv) near the northeast

corner of Halford's Cleaners. An elevated PCE concentration of 1965 ppmv in soil-vapor was also detected immediately south of Halford's Cleaners, adjacent to the facility's sewer line.

H. On March 16, 1990, EPA issued General Notice Letters to Steven Lyon, Sue Lyon, Russell Tonda, Diane Tonda, and Shantilal Jamnadas notifying them that EPA had identified each person as a potential responsible party for the release or threatened releases of hazardous substances from Halford's Cleaners.

I. EPA issued oral notice to Mr. Shantilal Jamnadas of Halford's Cleaners that it was identified as a potential responsible party for the release or threatened release of hazardous substances from Halford's Cleaners.

J. Additional soil sampling was conducted in July of 1990 to study the mobility of the contamination over the previous seven months. From this investigation, it was determined that the PCE contamination was seeping through the permeable sands and contributing to the degradation of the regional aquifer. In addition, small traces of PCE degradation products, trichloroethylene (TCE) and 1,1,1 trichloroethane, were detected within soil samples adjacent to the Site. Attachment A, incorporated herein by reference, delineates the sample locations from the ERS investigations. Attachment B, incorporated herein by reference, identifies the maximum soil contamination identified during ERS's field work. Attachment C, incorporated herein by reference, summarizes the geological and analytical data obtained during ERS's soil boring survey.

ENDANGERMENT

K. EPA identified several threats posed by the PCE con-

1 tamination associated with the Halford's Cleaners Site. PCE is a
2 suspected human carcinogen. The accidental ingestion of PCE may
3 cause severe liver and kidney damage. In addition, the chemical
4 is known to cause damage to the central nervous system.

5 L. Through time, PCE biodegrades, or transforms, into
6 several other hazardous organic constituents. PCE readily decom-
7 poses into trichloroethylene (TCE), a suspected human carcinogen,
8 and 1,1,1 trichloroethane (TCA), another suspected carcinogen.
9 PCE, TCE and 1,1,1 TCA are volatile contaminants and therefore
10 will readily be transported through sandy soil and enter the
11 groundwater.

12 M. The City of Modesto presently uses the regional aquifer
13 (approximately 67 feet below the Site surface) as a drinking
14 water source. The influx of PCE, TCE and/or 1,1,1 TCA into the
15 regional aquifer is adversely effecting the water quality of the
16 aquifer. As a result of this contamination, the City of Modesto
17 has ceased operating Well #11. Without any removal action to
18 reduce the influx of PCE into the subsurface, additional Modesto
19 water supply wells will be contaminated. Several other residen-
20 tial wells in the region also are threatened by the PCE con-
21 tamination. Local agricultural wells drawing from the regional
22 aquifer also may be adversely effected by the PCE contamination.

23 N. The continuous influx of PCE contamination associated
24 with the Site into the groundwater would eventually adversely af-
25 fect surface water in the region, which includes the Tuolumne
26 River. During the dry months of the year, regional groundwater
27 discharges into the Tuolumne River which flows to the southwest
28 of Halford's Cleaners. Contaminated water entering this river

1 will adversely impact the river's delicate ecosystem.

2 III. Conclusions of Law

3 A. Each Respondent is a "person" as defined in Section
4 101(21) of CERCLA, 42 U.S.C. Section 9601(21).

5 B. Halford's Cleaners, located at 941 McHenry Avenue,
6 Modesto, California is a "facility" as defined in Section 101(9)
7 of CERCLA, 42 U.S.C. Section 9601(9).

8 C. The industrial solvents present at the Site, which in-
9 clude but are not limited to, tetrachloroethylene (PCE),
10 trichloroethylene (TCE) and 1,1,1 trichloroethane (TCA), are
11 "hazardous substances" as defined in Section 101(14) of CERCLA,
12 42 U.S.C. Section 9601(14).

13 D. The presence of hazardous substances on the Halford's
14 Cleaners Site and the potential for those substances to migrate
15 and adversely impact the regional aquifer constitutes a "release"
16 or "threatened release" of hazardous substances into the environ-
17 ment as defined in Section 101(22) of CERCLA, 42 U.S.C. Section
18 9601(22).

19 E. Each Respondents is a "responsible party" as defined in
20 Section 107(a)(1) of CERCLA, 42 U.S.C. Section 9607(a)(1).

21 IV. Determinations

22 Based on the Findings of Fact and Conclusions of Law, the
23 Director, Hazardous Waste Management Division, EPA Region 9, has
24 made the following determinations:

25 A. The release or threatened release of hazardous sub-
26 stances and pollutants or contaminants from the Site may present
27 an imminent and substantial endangerment to the public health,
28 welfare, and the environment.

B. In order to prevent or mitigate immediate and significant risk of harm to human health and the environment, it is necessary that actions be taken immediately to contain and prevent the release and potential release of hazardous substances, pollutants or contaminants from the Site.

C. The removal measures required by this Order are consistent with the National Oil and Hazardous Substances Pollution Contingency Plan, 40 Code of Federal Regulations, Part 300.

V. Order

Based upon the Findings of Fact, Conclusions of Law and Determinations, EPA HEREBY ORDERS the Respondents to implement the following measures under the direction of EPA's On-Scene Coordinator.

A. Within twenty-one (21) calendar days of the effective date of this Order, Respondents shall submit in writing, for EPA review and approval, a Site Removal and Stabilization Plan and Schedule ("Workplan"). The Workplan shall include provisions for the following activities to be completed within the timeframes set forth:

- 1) Within ninety (90) calendar days after the effective date of this Order, the Respondents must implement an effective treatment system to remove and treat all the organic solvent contamination within the on-Site soils. This includes both surface and subsurface (vadose zone) contamination. The treatment system must meet all substantive local, state and federal regulations.
- 2) Within one-hundred (100) calendar days after the effective date of this Order, the Respondents must implement an effective treatment system to remove and treat the residual PCE contamination within the sewer line used by the facility.
- 3) Within one-hundred and twenty (120) calendar days after the effective date of this Order, Respondents must implement a program to effectively reduce the

level of PCE discharged into the sewer lines at the Site to drinking water standards (5 ppb).

If EPA provides comments on the Workplan, Respondents shall incorporate all of EPA's comments and resubmit the plan within five (5) calendar days after receiving any such EPA comments. Upon EPA approval of the Workplan, Respondents shall commence implementation. The EPA approved Workplan shall be incorporated into this Order and shall be enforceable under the terms of this Order. The Workplan shall be in accordance with appropriate EPA guidances and those directed for use by the OSC.

B. Within twenty-eight (28) calendar days after the effective date of this Order, Respondents shall submit in writing, for EPA review and approval, a Site Health and Safety Plan. The Site Health and Safety Plan must conform to the requirements outlined in the Standard Operating Safety Guide, U.S. EPA, Office of Emergency and Remedial Response Support Division, Edison, New Jersey, November 1984, updated July 1988. All work conducted pursuant to this Order shall conform with the approved Site Health and Safety Plan and all applicable Occupational Safety and Health Administration (OSHA) regulations. If EPA provides comments on the Site Health and Safety Plan, Respondents shall incorporate all of EPA's comments and resubmit the plan within five (5) calendar days of receiving any such EPA comments.

C. Within thirty (30) days after the effective date of this Order, Respondents shall submit in writing, for EPA review and approval, a plan for post-removal soil sampling ("Sampling Plan") to ensure that the Site has been adequately remediated. If EPA provides comments on the Sampling Plan, Respondents shall incor-

porate all of EPA's comments and resubmit the plan within five (5) calendar days after receiving any such EPA comments. Post-removal soil sampling shall be conducted in accordance with the approved Sampling Plan and shall be performed prior to the termination of the treatment system or program. All sampling and analysis shall be consistent with the "Removal Program Quality Assurance/Quality Control Interim Guidance: Sampling, QA/QC Plan and Data Validation", EPA OSWER Directive 9360.4-01, dated February 2, 1989.

D. At the conclusion of the post-removal sampling activities, Respondents shall prepare a final report summarizing the work conducted pursuant to this Order. The final report shall contain copies of any hazardous waste manifests, and analytical data from the post-removal sampling. The final report shall be submitted to EPA no later than fourteen (14) calendar days following the termination of the treatment system or program.

E. During the implementation of the Workplan and the Sampling Plan, Respondents shall provide written weekly summary reports to EPA, the California Department of Health Services, Central Valley Regional Water Quality Control Board and the Stanislaus County Department of Environmental Resources. These weekly reports shall contain a summary of the previous week's activities and planned up-coming events.

F. Respondents shall provide notice to EPA, the Stanislaus County Department of Environmental Resources, California Department of Health Services and the Central Valley Regional Board forty-eight (48) hours prior to performance of any On-Site work.

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the Deputy Director for Superfund, Hazardous Waste Management Division, EPA Region 9, or his designee. No informal advice, guidance, suggestions, or comments by EPA regarding reports, plans, specifications, schedules, or any other matter will relieve Respondents of their obligation to obtain formal approvals as required by this Order.

IX. Access

Respondents shall provide EPA employees and other representatives with complete access to the facility at all times. Nothing in this Order limits any access rights that EPA or other agencies may have pursuant to law.

X. Endangerment During Implementation

The Director, Hazardous Waste Management Division, EPA Region 9, may determine that acts or circumstances (whether related to or unrelated to this Order) may endanger human health, welfare or the environment and may order the Respondents to stop further implementation of this Order until the endangerment is abated.

XI. Government Not Liable

The United States Government and its employees and other representatives shall not be liable for any injuries or damages to persons or property resulting from the acts or omissions of Respondents, their employees or other representatives caused by carrying out this Order. For the purposes of this Order, the United States Government is not a party to any contract with the Respondents.

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XII. Noncompliance

A. A willful violation or failure or refusal to comply with this Order may subject Respondents to a civil penalty of up to \$25,000 per day in which the violation occurs or failure to comply continues, pursuant to the provisions of Section 106(b)(1) of CERCLA, 42 U.S.C. Section 9606(b)(1). Failure to comply with this Order without sufficient cause may also subject Respondents to punitive damages of up to three times the total costs incurred by the United States for Site response pursuant to Section 107(c)(3) of CERCLA, 42 U.S.C. Section 9607(c)(3).

B. EPA may take over the response action at any time if EPA determines that Respondents are not taking appropriate action. EPA may order additional actions it deems necessary to protect public health, welfare, or the environment.

XIII. Opportunity to Confer

A. Each Respondent may request a conference with the Deputy Director for Superfund, Hazardous Waste Management Division, EPA Region 9, or his designee, to discuss this Order. The purpose and scope of the conference shall be limited to issues involving the implementation of the response actions required by this Order and the extent to which the Respondent intends to comply with this Order. This conference is not an evidentiary hearing and does not constitute a proceeding to challenge this Order. It does not give Respondent a right to seek review of this Order, or to seek resolution of potential liability. No official stenographic record of the conference will be made. At any conference held pursuant to Respondent's request, Respondent may ap-

1 pear in person or by an attorney or other representative.

2 B. Requests for a conference must be made orally within
3 twenty-four (24) hours after receipt of this Order. Written con-
4 firmation of the request must be mailed to the Deputy Director
5 for Superfund, Hazardous Waste Management Division, EPA Region 9,
6 no later than one day after the oral request.

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8 **XIV. Parties Bound**

9 This Order shall apply to and is binding upon the Respon-
10 dents, their officers, directors, agents, employees, contractors,
11 successors, and assigns.

12 **XV. Notice of Intent to Comply**

13 Within seventy-two (72) hours of receipt of this Order,
14 Respondents shall orally inform EPA of their intent to comply
15 with the terms of this Order. The oral notice shall be confirmed
16 within two days by written notice to the Director. Failure to
17 punctually notify EPA of the Respondents' intent to fully comply
18 will be construed by EPA as a refusal to comply.

19 **XVI. Notice to State**

20 Notice of the issuance of this Order has been given to the
21 California Department of Health Services, Central Valley Regional
22 Water Quality Control Board and the Stanislaus County Department
23 of Environmental Resources. EPA will consult with these agencies
24 as appropriate.

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IT IS SO ORDERED on this 25th day of September 1990.

by: Jeffrey Zelikson
for Jeffrey Zelikson, Director
Hazardous Waste Management Division
U.S. Environmental Protection Agency, Region 9

Robert Bornstein
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A 3x8 grid of slanted parallel lines. Each row contains 8 slanted parallel lines, and there are 3 rows in total.

ATTACHMENT A

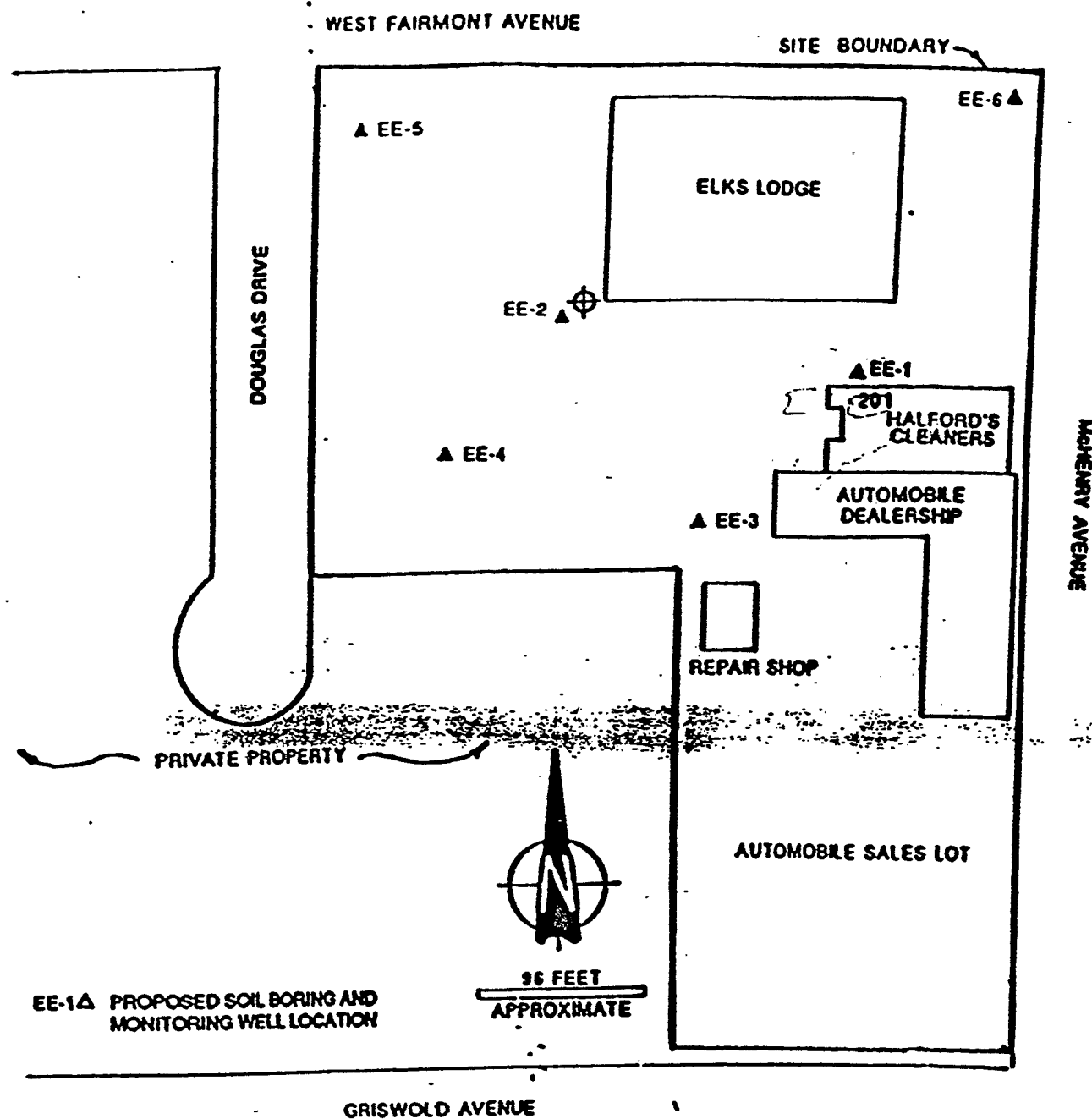


Figure 3 SITE MAP

PHASE II FIELD INVESTIGATION

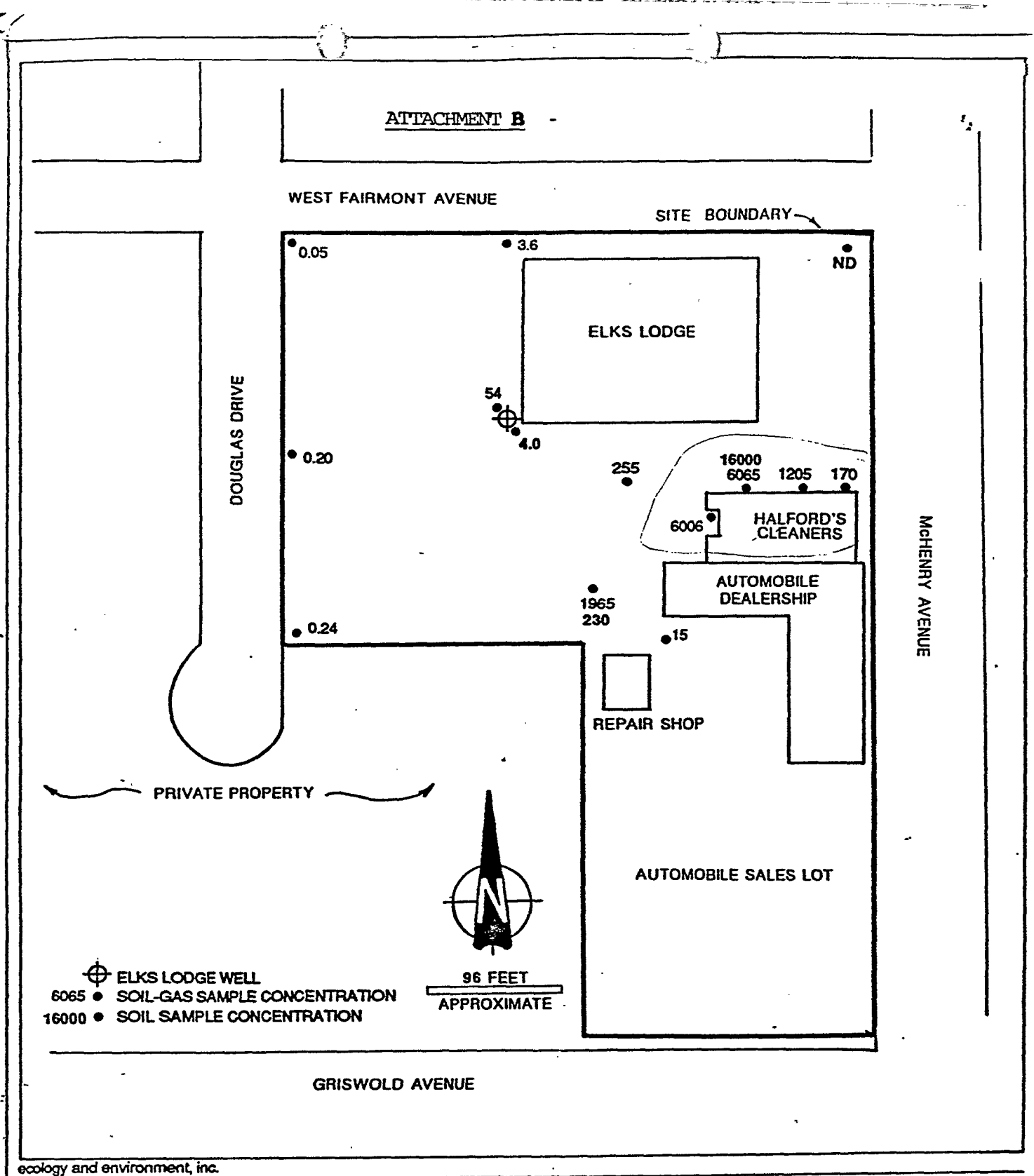


Figure 2.

TETRACHLOROETHENE CONCENTRATIONS FOR SOIL-GAS (in ppmv) AND SOIL (in ppb). *Note That Only the Highest Soil-Gas Concentration at the Depth-Profile Locations Is Shown.*

ATTACHMENT C

SUMMARY OF SOIL BORING ANALYTICAL DATA AND GEOLOGY OF MODESTO WELL 11 SITE, MODESTO CALIFORNIA

BOREHOLE EE-1

DEPTH: PCE : GEOLOGY
: (ppb) :

0	:21000	:ASPHALT & SOME SOIL
2	: 150	:SILTY SOIL
5	:17000	:SILTY SAND
10	: 0	:SILTY SAND
15	: 0	:SAND
20	: 2.9	:SANDY SILT
25	: 0	:SILTY SAND
30	: 0	:SANDY SILT
40	: 150	:SAND
50	: 0	:SAND
60	: 0	:SAND
70	: 25	:SANDY SILT, WATER

BOREHOLE EE-2

DEPTH: PCE : GEOLOGY
: (ppb) :

0	: 0	:SILTY SOIL
2	: 5.5	:SANDY SILT
5	: 0	:SANDY SILT
10	: 0	:SILTY SAND
15	: 0	:SAND
20	: 0	:SILT, SAND, CLAY MIXED
25	: 0	:CLAYEY SILT
30	: 0	:SITLY SAND
40	: 0	:SAND
50	: 2.8	:SILTY CLAY
60	: 0	:SAND
70	: 3.5	:SILT WITH SOME CLAY

BOREHOLE EE-3

DEPTH: PCE : GEOLOGY
: (ppb) :

0	:17000	:ASPHALT & DIRTY SOIL
2	: 36	:SANDY SILT
5	: 0	:SANDY SILT
10	: 0	:SAND
15	: 0	:SAND WITH
20	: 0	:SAND WITH SILT
25	: 0	:SAND WITH MINOR SILT
30	: 0	:SAND
40	: 0	:SAND
50	: 0	:SAND
60	: 32	:SITLY SAND
70	: 0	:SILT WITH SANDY LAYERS WET

BOREHOLE EE-4

DEPTH: PCE : GEOLOGY
: (ppb) :

5	: 0	:SILTY SAND
15	: 0	:F.G.SAND WITH SILT
30	: 0	:SILTY SAND
70	: 0	:CLAY WITH MINOR SILT

BOREHOLE EE-5

DEPTH: PCE : GEOLOGY
: (ppb) :

20	: 0	:V.F. SAND
50	: 0	:CLAY WITH FINE SAND
70	: 0	:MED. SAND WITH MICA

BOREHOLE EE-6

DEPTH: PCE : GEOLOGY
: (ppb) :

5	: 0	:F.G.SAND WITH SILT
20	: 0	:SAND
40	: 0	:MED. TO COURSE SANDS
70	: 10	:SITLY SAND

TABLE 1